



**BRISBANE CITY COUNCIL**

**ACTION MINUTES**

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**THURSDAY, FEBRUARY 2, 2017**

*BRISBANE CITY HALL, 50 PARK PLACE, BRISBANE*

**CALL TO ORDER – PLEDGE OF ALLEGIANCE**

The Mayor called the meeting to order at 7:32 p.m. and led the Pledge of Allegiance.

**ROLL CALL**

Councilmembers present:

Conway, Lentz, O’Connell and Mayor Liu

Councilmembers absent:

Davis

Staff present:

City Manager Holstine, City Attorney Roush, Administrative Services Director Schillinger, Interim City Clerk Padilla, Management Analyst Cheung, Community Development Director Swiecki, Public Works Director Breault, Police Chief Macias, Parks and Recreation Supervisor Leek, Parks and Recreation Coordinator Monroy, Parks and Recreation Coordinator Franco

**REPORT OUT OF CLOSED SESSION**

- A. Liability Claims: Claimant Dominick Jackson Sr., pursuant to Government Code, section 54956.95.**

City Attorney Roush reported that Councilmembers gave direction to deny the claim presented under Closed Session.

**ADOPTION OF AGENDA (Deletions, Additions, Changes and Adoption)**

Mayor Liu asked to add the Swearing in of the Newly Appointed Planning Commissioners before the Presentation.

CM Conway asked to move Old Business Item A regarding Ordinance 614 before the Public Hearing.

CM Conway made a motion, seconded by CM O'Connell, to adopt the agenda as amended. The motion carried unanimously by all present.

## **ORAL COMMUNICATIONS NO. 1**

Tony Verreos gave an update on the SFO Community Roundtable Meeting he had attended.

## **SWEARING IN OF THE NEWLY APPOINTED PLANNING COMMISSIONERS**

On January 30<sup>th</sup> 2017, the City Council appointed Karen Cunningham, Tuong Van Do and Coleen Mackin to the Planning Commission with terms through January 2020. Interim City Clerk Padilla sworn in Commissioner Cunningham and Commissioner Mackin.

## **PRESENTATIONS**

### **A. 2017 Council Work Plan: Key City Projects Categorized by Council-Adopted Results**

Management Analyst Cheung presented the 2017 Council Work Plan which lives on the City of Brisbane's Website and outlines key city projects. Management Analyst Cheung also shared that it is anticipated that the Work Plan will be updated as needed throughout the year.

## **CONSENT CALENDAR**

- A. Approve City Council Minutes of January 5, 2017**
- B. Approve City Council Minutes of January 17, 2017**
- C. Adopt Ordinance 615, waiving second reading, to amend Brisbane Municipal Code Title 17, Zoning, Chapters 17.02, 17.32, 17.34, and 17.43 to update existing accessory (secondary) dwelling unit regulations to be consistent with recently adopted amendments to Section 65852.2 of the California Government Code intended to streamline the approval process of accessory dwelling units by local jurisdictions.**
- D. Approve Upgrade of City Facility Video Security Systems to comply with State Law**

CM Conway made a motion, seconded by CM Lentz, to approve Consent Calendar Items A, B, C, and D as proposed. The motion was carried unanimously by all present.

## **OLD BUSINESS**

**A. Consider adoption of Ordinance 614, to Change the Year to which City Council Elections must be Held to Even Numbered Years (Statewide Elections) and extending for six months the terms of Office for City Council Members. (Out of Order)**

City Attorney Roush stated that Ordinance 614 as proposed is to change the year to which City Council Elections must be held to even numbered years and extending the terms of office for City Councilmembers for six months until the June 2018 elections.

After some Councilmember discussion, CM Conway requested to add the background information of Senate Bill 415, the California Voter Participation Rights Act, to the Ordinance.

Mayor Liu stated that CM Davis wanted the opportunity to vote on this agenda item but is unable to attend tonight's meeting.

After further Councilmember discussion and questions of staff, CM Lentz stated he is in support of Ordinance 614 to focus on the most important matter which is the Baylands. He suggested mailing out a community survey to determine if the public is in favor of the six month extension.

CM Conway and Mayor Liu were not in favor of the community survey because it extends the timeline and potential for bias.

After further Councilmember discussion, Mayor Liu opened the floor to the public.

Tony Verreos stated his issue is that despite the many options to be aligned with the state mandate, three councilmembers chose to extend their own terms to meet the state mandate.

Paul Bouscal stated that there is an online petition, with signers over 10% of the registered voters, asking the Council not to extend their terms and continue with the November 2017 election. He also added that the City residents will submit a referendum petition of protest if Ordinance 614 is adopted.

CM Conway and Mayor Liu requested a copy of the online petition from Paul Bouscal.

Nancy Lacsamana stated the online petition has no merit and she had refused to sign in. She expects the elected City Council members to do the right thing.

Glen Fieldman stated that he is not in support of Ordinance 614 and that the legitimacy of democracy is priceless.

Peter Grace stated that he is against postponing the elections because the right to vote should not be taken away under any circumstances. He advocated for a November 2017 election.

Coleen Mackin shared that she has a sacred right to vote and that Councilmembers extending their terms is taking away her right to vote.

Danny Ames stated that he does not support the term extension and he does not want his right to vote to be taken away.

Lee Panza suggested that at the November 2017 the voters can perhaps vote for a 4 ½ year term for the 2015-2019 seats and the 2017-2021 seats.

Carolyn Parker advocated to support Ordinance 614 because she wants the City Council to have the opportunity to go thoroughly through the Baylands Hearing process.

Dan Sorrentino stated he supports the six month extension but not a one year extension of the Councilmembers' terms.

Linda Dettmer advocated for a chance to vote for the Councilmembers again. She stated that there are over 200 people that she knows feels the same way and they are a voting bloc.

Joel Diaz commented he signed the petition and is against the ordinance as proposed. He stated it's not appropriate for government to stop our democratic right.

Sandeep Patel stated that Democracy is a conversation and that the people should be able to voice their opinion on Election Day.

Jay Patel commented that he is not in support of extending the councilmembers' terms and does not like the community being divided by this issue.

Tony Verreos said that he is upset with the arrogant vote to extend Councilmembers' terms. He added that there is nothing to lose by holding this election.

Karen Klauber stated that she does not support Ordinance 614 and is upset that her vote is being thrown away.

Joel Diaz commented that a possibility for a 2017 mail-in ballot would decrease the cost of a November 2017 election for the City.

After further Councilmember discussion and questions of City Attorney Roush, CM Conway made a motion, to adopt Ordinance 614 as proposed. The motion failed for a lack of a second.

To align the City Council elections back to a November election cycle, Mayor Liu advocated to amend the Ordinance to include providing for a term of office of 4.5 years for Persons elected to the City Council in June 2018 and June 2020. Mayor Liu made a motion, seconded by CM Lentz, to Introduce Ordinance 614 as amended. The motion passed with a 3-1 vote.

Ayes: CM Conway, Lentz and Mayor Liu

Noes: CM O'Connell

Absent: CM Davis

Abstain: None

## **PUBLIC HEARING**

### **A. Consider introduction of Ordinance 616 to approve Development Agreement Case DA-1-16- Proposed First Amendment to Opus Office Center Development Agreement, 3000-3500 Marina Boulevard, Sierra Point**

Community Development Director Swiecki reported that DA-1-16, is a proposal to amend the Opus Office Center Development Agreement and extend the expiration date of the planning entitlements for the Opus Office Center from 2022 to 2027. Also, DA-1-16 will require applicant to install solar panels on the roof of the parking structure and to quitclaim or otherwise terminate their existing leasehold and related development rights over Parcel R. If executed, the amended Development Agreement could generate in excess of \$500,000 for public improvements to Parcel R.

After some Councilmember discussion, Marcus LoDuca, spoke on behalf of Sierra Point, LLC and thanked the Council for considering the introduction of Ordinance 616. He stated that the City will benefit from the proposed amendments.

Mayor Liu opened the public hearing. No members of the public wished to speak.

CM Conway made a motion, seconded by CM O'Connell, to close the public hearing. The motion passed unanimously by all present.

CM Lentz made a motion, seconded by CM O'Connell, to introduce Ordinance 616. The motion passed unanimously by all present.

Ayes: CM Conway, Lentz, O'Connell and Mayor Liu

Noes: None

Absent: CM Davis

Abstain: None

## **OLD BUSINESS**

### **B. Review of proposals for the Mountain Festival Event**

Parks and Recreation Director Leek made a request for the the City Council to approve expenditures of \$15,000- \$30,000 for the Mountain Oasis Festival in the first year. The official date proposed is Saturday, July 8<sup>th</sup>. The festival would consist of a running event being sponsored by the Excelsior Running Club, six musical groups, food vendors, a small beer/wine garden, a kid-centered maker's tent and vendor tables. Jimmy Leslie and Mikel Ross prepared a proposal for the event and the cost

of would be between \$15,000 and \$30,000 less any revenues the City realizes as a result of ticket sales and sponsorships.

CM Lentz stated that the hope is that over a three year period, the event would become increasingly profitable and begin generating revenue for San Bruno Mountain Watch as a beneficiary and the City.

Paul Bouscal stated that the San Bruno Mountain Watch is grateful to be a beneficiary of the event.

After further Councilmember discussion, CM Conway made a motion, seconded by CM Lentz, to approve \$15,000- \$30,000 for the Mountain Oasis Festival in the first year.

## **NEW BUSINESS**

### **A. Consider adoption of Mitigated Negative Declaration for construction of new Brisbane Library at 163 Visitacion Avenue (Case ER-2-16)**

Community Development Swiecki stated that adopting a Mitigated Negative Declaration (MND) for construction of the New Brisbane Library, will be a declaration of the Council that the proposed project will not have a significant effect on the environment because mitigation measures have been incorporated into the project.

CM Conway made a motion, seconded by CM Lentz, to adopt the Mitigated Negative Declaration for construction of new Brisbane Library at 163 Visitacion Avenue (Case ER-2-16).

### **B. Consider approval of request of additional \$3,000 for 2017 Summer Concerts in the Park**

After City Council discussion and question of staff, CM Conway made a motion, seconded by CM Lentz, to approve the request of additional \$3,000 for 2017 Summer Concerts in the Park from the General Fund Reserve.

### **C. Receive Update on Encouraging Helmet Safety at the Skatepark**

Parks and Recreation Coordinator Monroy Council stated that the City is being asked to authorize the purchase of 40 skating helmets at approximately \$25 each. Partnering with a skate shop allows the City to purchase helmets at a discounted rate. The total cost is not to exceed \$1,000.

After some Councilmember discussion and questions, Police Chief Macias affirmed that the City's School Resource Officer will work closely with Parks and Recreation Coordinator Monroy to enforce helmet safety at the skate park.

Councilmembers liked the idea of the helmet distribution based on need or effort, such as writing an essay or attending a safety class. They directed Parks and Recreation staff to work with Police Department regarding the helmet distribution.

## **STAFF REPORTS**

### **A. City Manager's Report on upcoming activities**

Administrative Services Director Schillinger shared that the Artist Evening of Sharing is taking place on February 4, 2017.

City Manager Holstine also asked councilmembers for direction regarding Senate Bill 2 (the Building Homes and Jobs Act will utilize a pay as you go approach and generate hundreds of millions of dollars annually for affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs through a \$75 recordation fee on specified real estate document) and Senate Bill 3 (the Affordable Housing Bond Act of 2018, that would authorize a \$3 billion general obligation bond to fund affordable housing programs and infill infrastructure projects). Councilmembers directed City Manager Holstine to draft a letter of support for SB 2 and SB 3.

## **MAYOR/COUNCIL MATTERS**

### **A. County-wide Assignments/Subcommittees Reports**

Councilmembers reported on meetings that they had recently attended, including

### **C. City Council Calendar (Out of Order)**

Due to scheduling conflicts, Councilmembers directed staff to cancel the proposed City Council Special Meeting to Discuss the Brisbane Baylands Project of March 30<sup>th</sup> and the City Council Special Meeting to Discuss the Brisbane Baylands Project of February 21<sup>st</sup> was moved to February 28<sup>th</sup>.

### **B. Discuss Baylands Hearing Study Session (Out of Order)**

The next Baylands Hearing City Council Study Session is scheduled for February 28<sup>th</sup> at 6 p.m.

### **D. Written Communications**

Mayor Liu acknowledged the non-Baylands related written correspondence received by City Council from January 4-February 2, 2017.

- Linda Dettmer (1/4/17)
- Tony Hopper (1/9/17)

- Tony Verreos (1/9/17)
- Terri Cook (1/9/17)
- Clara Johnson (1/15/17)
- Tony Verreos (1/24/17)
- Danny Ames (1/27/17)
- Dawn Cutler (1/27/17)
- Patrick Tainter (1/27/17)
- Tony Verreos (1/27/17) (3 letters)
- Danny Ames (1/29/17)
- Anne Pradenas (1/30/17)
- Kim Follien (2/1/17) (2 letters)
- David Smugar (2/2/17)
- Ceci Herman (2/2/17)
- Karen Cunningham (2/2/17)

## **ORAL COMMUNICATIONS 2**

Prem Lall voiced his support for the Brisbane BART Shuttle.

## **ADJOURNMENT**

The meeting was adjourned at 11:49 P.M.



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Ingrid Padilla, Interim City Clerk